MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2018/2019

UIF2612 – ISLAMIC FAMILY LAW

(All Sections / Groups)

22 OCTOBER 2018
Reading Time : 9.00 a.m. – 9.15 a.m.
(15 Minutes)
Answering Time: 9.15 a.m. – 12.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions only.

3. Attempt **FOUR** out of FIVE questions. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are only allowed to bring in CLEAN AND ORIGINAL COPY of the following statutes into the exam venue :
   i. Islamic Family Law (Federal Territories) Act 1984; and
   ii. Quran Translation
   "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

5. Please write all your answers in the Answer Booklet provided.

QUESTION 1

a) Vivy Wong is a young lady who involves actively in charity work in Kuala Lumpur. She met Aiman, a founder of an association in one of the events she joined. They became closer, fall in love with each other and decided to marry. Vivy converted to Islam and the marriage was solemnized as planned, by representation of *Wali Ammah*. It was witnessed by Vivy's non-Muslim relatives, and two of Aiman's friends, Mokhtar and Khairul. During the solemnization, Aiman mentioned that the *mahr* is to be acknowledged as a debt.

Vivy's father, who is staying in London since his divorce with Vivy's mother called and announced that he had converted to Islam three days after the marriage. He told Vivy that since he is now a Muslim, he should become the *wali* of Vivy's marriage. He disputed the validity of the marriage using *Wali Ammah*.

Vivy came to you seeking for your opinion on her case. Advise Vivy.

(15 marks)

b) The permissibility of polygamous marriage in Islam has its own wisdom and not intended to cause unfairness to the wives. Thus, the legislature has implemented the requirements under the Islamic Family Law (Federal Territory) Act 1984 to ensure that the rights of women are protected and preserved. Discuss.

(10 marks)

(Total: 25 marks)

QUESTION 2

Asyraf and Natasha have been married for ten years with two kids, Upin and Ipin. They were staying in Taman Melawati, Kuala Lumpur. Since last year, Asyraf failed to give maintenance (except paying for the electricity and water bills) to Natasha and also the kids. Asyraf argued that since Natasha is earning a good salary as manager, he is not obliged to pay her the maintenance. He threatened her that if she ever mention about the maintenance again or tell any of the family members, she will be divorced. Not only that, Asyraf continuously assaulted Natasha with his harsh words, causing her to live a depressing life. Natasha had to do part time job to cope with financial commitments including paying for Asyraf's car and house.

One day, a police patrol car came to the house and arrested Asyraf. Natasha was very shocked knowing that Asyraf involved in a robbery gang, the most wanted by the police.

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It was found from the trial that Asyraf is guilty for the offence and sentenced with ten years' imprisonment. Asyraf cried when Natasha visited her and asked Natasha to wait for him until his release and he promised that he will repent.

Natasha came to seek for your advice, telling you that she is not willing to remain in the marriage anymore and wants to build a new life with her kids. Natasha also added that she is now four months pregnant. Advise Natasha.

(Total: 25 marks)

QUESTION 3

Zain and Farah were friends since they were in university. After graduation, they decided to tie the knot with the blessings from both of their families. During the first two years of the marriage, they lived happily before it turned sour. Zain became a hot-tempered guy and spent most of his time outside the house. One night, Zain asked Farah to follow him to club and enjoy the time drinking with friends but Farah refused to it. She told Zain that his lifestyle has gone far from the religion. Hearing that, Zain slapped Farah on her face and left the house. Before he left, Zain warned Farah not to go anywhere and not to tell anybody about their marriage problem. Zain swore that he will not let go of Farah just like that. Since that night, he had never turned back until now, after six months. Farah knew that Zain is now staying with his friend, and in fact she did try to persuade Zain to go back but Zain never answered her calls and messages. During that period, Zain had stopped paying maintenance to Farah.

Farah could not take the situation anymore. She had been giving excuses and made up stories to conceal the facts from the family. She decided to tell the truth and wanted to end her difficult marriage life. Advise Farah. Note that Farah has yet to remit her *mahr*.

(Total: 25 marks)

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QUESTION 4

a) The determination of physical custody and maintenance arrangement for children is among the most difficult decisions that must be made in marital dissolution process. The application of the legal principle or standard is claimed to be usually "indeterminate" and "speculative" due to the fact that the court needs to make a prediction of what will be the best custodial and maintenance arrangement for the child.

Based on the above statement, analyze the relationship between custody and maintenance of children upon a dissolution of a marriage.

(15 marks)

b) Discuss on inheritance rights available in Islamic Law. Support your answers with relevant Quranic hadith and Sunnah.

(10 marks)

(Total: 25 marks)

QUESTION 5

In every application for dissolution of a marriage, the *Shariah* court has an obligation to ensure that any ancillary orders are made before any attempt at divorce registration. All these ancillary orders are beneficial to a divorced woman for her livelihood after divorce, especially if she is destitute.

With reference to the above statement and in light of supports from Quran and Sunnah, relevant cases and legal provisions, discuss the rights of a divorced woman to ancillary orders.

(Total: 25 marks)

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